**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. 59 OF 2007**

Shamsoddin Sandubhai Attar. .. Petitioner.

vs.

Sarpanch,
Pimpalgaon Baswant
Village Panchayat & Ors. .. Respondents.

Mr. P.N. Joshi for Petitioner.
Mr. P.M. Patil, AGP., for respondents.

..

**CORAM: J.N. PATEL &**
**A.A. SAYED, JJ.**
**DATE: 10TH OCTOBER, 2007.**

P.C.

. Heard.

2. This is a public interest litigation filed by one of the residents of village Pimpalgaon Baswant, Taluka Niphad, Dist. Nashik whose main grievance is that the respondents are not recovering taxes as per the amended rules dated 3.12.1999 and rules of 1960 issued by the State of Maharashtra. It is submitted that though various representations have been made the

illegality of collecting taxes at higher rates continues and that is why the petitioner is required to approach this Court by invoking its extra-ordinary jurisdiction directing the respondents, particularly respondent no. 4 to take appropriate action against respondent nos. 1 to 3 against recovery of excess taxes contrary to the aforesaid rules.

3. The learned AGP submits that the representation can be made to the grampanchayat and on such representation being made, the Panchayat Sammittee of Grampanchayat would take appropriate decision and that the petitioner can very well seek alternative remedy available to him under the law. In our view, that would be an appropriate approach in the matter rather than moving this Court by initiating a public interest litigation.

4. Further, the learned counsel for the petitioner submits that he will advise the petitioner to make a fresh representation to the Chief Executive Officer, Zilla Parishad, Nasik within a period of two weeks. On such representation being made, the Chief Executive Officer, Zilla Parishad would take a decision in the matter within six weeks and communicate the same to the petitioner. With these directions, the petition stands disposed of. No order as to costs.

**(J.N. Patel, J. )**

**(A.A. Sayed, J. )**